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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92053237
Party	Defendant Wildwood Gin, Inc.
Correspondence Address	WILDWOOD GIN, INC. 1005 RIVER BIRCH COVE GREENWOOD, MS 38930 UNITED STATES
Submission	Answer
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Date	12/09/2010
Attachments	AnswertoPetitionForCancellation.pdf (5 pages)(322894 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

BARNHARDT MANUFACTURING)	
COMPANY,)	
)	
Petitioner,)	
)	Cancellation No. 92053237
v.)	
)	
WILDWOOD GIN, INC.,)	
)	
Registrant)	
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**ANSWER TO PETITION FOR CANCELLATION
AND AFFIRMATION DEFENSES**

Wildwood Gin, Inc., a corporation of the state of Mississippi, having a place of business at 1005 River Birch Cove, Greenwood, MS 38930 ("Registrant") answers the Petition For Cancellation filed by Petitioner as follows:

Registrant admits that Petitioner is a corporation organized under the laws of the state of North Carolina, and is located and doing business at 1100 Hawthorne Lane, P.O. Box 34276, Charlotte, North Carolina. Registrant denies that petitioner has been and will be damaged as a result of a likelihood of dilution by blurring or dilution by tarnishment under 15 U.S.C. §1125(c) by Registrant's mark ULTRACLEAN, Registration No. 3,670,482 registered August 18, 2009 for "raw cotton."

1. Admitted.
2. Registrant is without knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations set forth in Paragraph 2 of the Petition for Cancellation, and therefore denies these allegations.

3. Registrant is without knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations set forth in Paragraph 3 of the Petition For Cancellation, and therefore denies these allegations.
4. Registrant denies that Barnhardt has pre-existing rights to the Registrant's ULTRACLEAN mark. Registrant is without knowledge or information sufficient to form a belief as to the truth or accuracy of the remainder of the allegations set forth in Paragraph 4 of the Petition For Cancellation, and therefore denies these allegations.
5. Registrant is without knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations set forth in Paragraph 5 of the Petition For Cancellation, and therefore denies these allegations.
6. Registrant denies the allegations set forth in paragraph 6 of the Petition For Cancellation.
7. Registrant denies the allegations set forth in paragraph 7 of the Petition For Cancellation.
8. Registrant is without knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations set forth in Paragraph 8 of the Petition For Cancellation, and therefore denies these allegations.
9. Registrant denies the allegations set forth in paragraph 9 of the Petition For Cancellation.
10. Registrant is without knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations set forth in Paragraph 8 of the Petition For Cancellation, and therefore denies these allegations.

11. Registrant is without knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations set forth in Paragraph 11 of the Petition For Cancellation, and therefore denies these allegations.

12. Registrant is without knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations set forth in Paragraph 12 of the Petition For Cancellation, and therefore denies these allegations.

13. Registrant is without knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations set forth in Paragraph 13 of the Petition For Cancellation, and therefore denies these allegations.

AFFIRMATIVE DEFENSES

14. Registrant hereby gives notice that it asserts as an affirmative defense that Petitioner has failed to state a claim upon which relief can be granted.

15. Registrant hereby gives notice that it asserts as an affirmative defense that Petitioner is not the owner of a mark which qualifies as a “famous” mark as measured by the factors listed in the Lanham Act §43(e)(2).

16. Registrant hereby gives notice that it asserts as an affirmative defense that Petitioner has not shown a prior use of the ULTRACLEAN mark on raw cotton.

17. Registrant hereby gives notice that it asserts as an affirmative defense that Petitioner had a previous opportunity to oppose registration of Registrant’s mark and thus the defense of laches is applicable.

WHEREFORE, Registration respectfully prays to the Trademark Trial and Appeal Board that Cancellation No. 92053237 be dismissed with prejudice.

Respectfully submitted,

WILDWOOD GIN, INC.

A handwritten signature in cursive script that reads "Ernest B. Lipscomb, III". The signature is written in dark ink and is positioned above the printed name.

Ernest B. Lipscomb, III
B. Craig Killough
Attorneys for the Registrant

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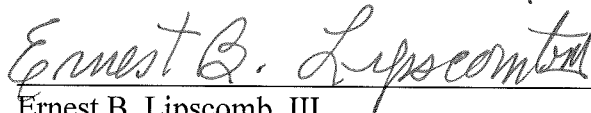
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANSWER TO PETITION FOR CANCELLATION AND AFFIRMATIVE DEFENSES was duly served in the United State Patent and Trademark Office via electronic mail.

I further certify that a copy of the foregoing ANSWER TO PETITION FOR CANCELLATION AND AFFIRMATIVE DEFENSES was duly served upon the petitioner by delivering copies thereof, via email, addressed to the following attorney of record:

Jonathan P. Spence
Adams Intellectual Property Law
201 South College Street, Suite 2350
Charlotte, North Carolina 28244
jps@adamspat.com

This the 9th day of December, 2010.


Ernest B. Lipscomb, III
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